

CHAPTER 16

LAND DIVISION, CONDOMINIUM, AND SURVEYING REGULATIONS

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SUBCHAPTER I – GENERAL PROVISIONS

1 **16.01 TITLE.** This chapter shall be known as the “Dunn County Land Division, Condominium,
2 and Surveying Regulations Ordinance” and is referred to as the “Ordinance” in this chapter.

3 **16.02 AUTHORITY.** This chapter is adopted under the authority granted by Wis. Stat. §§ 59.69,
4 59.692, 236.45, 281.31, and Chapter 703, Wis. Stats.

5 **16.03 PURPOSE.** The regulations in this chapter are adopted for the following purposes:

6 (1) To promote the wise use, conservation, protection, and property development of Dunn
7 County’s soil, water, wetland, woodland, and wildlife resources, and to achieve a balanced
8 relationship between land use and development and supporting and sustaining Dunn County’s
9 natural resource base;

10 (2) To establish reasonable design standards and land division procedures to facilitate the orderly
11 and well-planned layout, division, use, and development of land in Dunn County, and to prevent
12 overcrowding of land and undue congestion of population;

13 (3) To secure safety and resiliency from disastrous storms, fire, flood, pollution, disease and
14 other hazards and to help minimize expenditures for emergency response and disaster relief and
15 other mitigation actions;

16 (4) To ensure adequate and efficient transportation, water, sewerage, stormwater drainage,
17 schools, parks, playgrounds, recreation, and other facilities;

18 (5) To ensure that the design of the transportation system will not have a negative long-term
19 effect on neighborhood quality, traffic, and pedestrian movement and safety;

20 (6) To prevent and control erosion, sedimentation, and other pollution of air and water, ensure
21 the adequacy of drainage facilities, and safeguard subsurface water;

22 (7) To prevent destruction or impairment of environmentally sensitive areas;

23 (8) To conserve ~~high-value agricultural land~~ lands with high agricultural value;

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(9) To protect and provide for the public health, safety, and general welfare of Dunn County and its municipalities;

(10) To guide the future growth and development of Dunn County in accordance with the comprehensive plan;

(11) To ensure a system for review of proposed condominium instruments that is similar to ~~identical to~~ the review procedures for land divisions. Such review of condominiums is deemed appropriate because they function in the same manner and have the same neighborhood and environmental impacts as land divisions-;

(12) To provide for proper ingress and egress.

16.04 DEFINITIONS. For purposes of this chapter, certain words and terms shall have the following meanings:

Access Easement: An easement which allows for ingress and egress to a parcel of land.

Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

Applicant: The owner of land proposed to be subdivided or the owner's representative who shall have express written authority to act on behalf of the owner.

Archaeological Site: Any land or the bed of any stream or lake where there are objects or other evidence of archaeological interest, aboriginal mounds and earthworks, ancient burial grounds, prehistoric and historical ruins, Indian mounds, historic and prehistoric watercraft and associated objects, aircraft and other archaeological and historical features.

Block: A platted tract of land bounded by streets or by a combination of streets and public parks, or other recognized lines of demarcation.

Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

Certified Survey Map: A map of a division of land into four (4) lots or less prepared in accordance with Ch. 236, Wis. Stats., and the terms of this chapter may be referred to as a CSM.

Committee: The Dunn County Planning, Resource and Development Committee authorized by Wis. Stat. §59.69.

Contiguous: Parcels of land sharing a common boundary. Parcels that meet at only a single point are not considered contiguous.

~~Contiguous Buildable Area: The area of a lot for building use and sufficient area suitable for the entire on-site wastewater treatment system and its replacement, exclusive of environmentally sensitive areas, zoning and shoreland setbacks, navigable waterways, road rights-of-way, and access easements.~~

Contiguous Tract: All of a contiguous area of land in which title is held under identical ownership. Contiguous parcels under identical ownership are considered to be one (1) parcel for the purpose of this definition, even though separate parcels may have separate tax identification numbers or were acquired at different times or from different persons. Contiguous parcels shall be treated as a single parcel or tract for the purposes of this ordinance unless they are bisected by an existing public highway, railroad, or meandered body of water. An un-meandered or

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intermittent stream, creek or drainage ditch does not bisect a contiguous tract. Each lot or outlot within a recorded ~~Plat or Certified Survey Map~~ plat or certified survey map shall be considered as its own contiguous tract.

County: Dunn County, including any agency, department or committee thereof.

County Plat: The creation of five (5) or more lots from a contiguous tract, of which no more than four (4) lots are one and one-half (1½) acres or less in area, either by a division or by successive divisions within a five (5) year period.

County Surveyor: The County employee responsible for performing the duties prescribed in Wis. Stat. § 59.45.

Cul-de-sac: A local road with only one vehicular outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Days: Shall refer to calendar days.

Department: The Dunn County Environmental Services Department.

Division: See "Land Division."

Dryland Access: A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Easement: The portion of land set aside or over which, a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of land, is reserved for the public, utility, or some particular person, corporation or part of the public for limited right of use.

Environmentally sensitive area: Areas identified as being environmentally sensitive include all of the following:

(a) ~~All wetlands, including a 75-foot buffer.~~ Wetlands.

(b) Land within seventy-five (75) feet of wetlands.

~~(c)~~ (c) All areas mapped as floodplain by the Federal Emergency Management Agency (FEMA), the Wisconsin Department of Natural Resources, or any other public or private entity.

~~(e)~~ (d) All areas within seventy-five (75) feet of the ordinary high water mark of navigable streams and lakes.

~~(d)~~ (e) All areas having slopes of 20% and greater.

~~(e)~~ Burial sites and Indian mounds.

(f) ~~Perennial and intermittent streams, springs, and other drainage ways that contain running water during spring runoff or during storm events, including a 25-foot buffer.~~

(g) Archeological sites.

(h) Those areas identified on the Wisconsin DNR Surface Water Data Viewer as wetland indicators and soils.

Extraterritorial plat approval jurisdiction: The unincorporated area within three (3) miles of the corporate limits of a first, second or third class city or one and one half (1½) miles of a fourth class city or village.

Final Plat: A subdivision prepared in compliance with the provisions of Chapter 236, Wis. Stats., and the terms of this chapter.

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- 105 Floodplain: Land which has been or may be covered by flood water during the regional flood. It
106 includes the floodway and the flood fringe, and may include other designated floodplain areas
107 for regulatory purposes. Floodplains are regulated by Chapter 15, Dunn County Code of
108 Ordinances.
- 109 Frontage: The length of the front property line of the lot or tract of land abutting a public or
110 private street, road, highway, public right-of-way, or navigable water body.
- 111 Lands with High Agricultural Value: Any of the following:
- 112 (a) Land with a class I or class II land capability classification as shown by the Natural
113 Resources Conservation Service of the U.S. Department of Agriculture in the Dunn County
114 Soil Surveys.
- 115 (b) Land, other than land described in par. (a), designated in the Dunn County Comprehensive
116 Land Use Plan as Farmland Preservation Plan Certified.
- 117 High Water Elevation (H.W.E.): The H.W.E. shall be calculated, assuming developed
118 conditions, using the critical 100-year storm event for closed depressions and stormwater ponds.
119 A critical 100-year storm is either a 100-year back-to-back storm event or a 10-day snowmelt
120 event, whichever is more restrictive.
- 121 Improvement: The act of changing or enhancement that alters the present condition.
- 122 Land Division: The act of creating one (1) or more new separately described parcels.
- 123 Lot: A parcel of land legally created by ~~Plat or Certified Survey Map~~ plat or certified survey
124 map.
- 125 Lowest Building Opening (L.B.O.): The lowest window, door or other inlet elevation at which
126 water may enter a building.
- 127 Meander line: The traverse of the margin of a permanent natural body of water.
- 128 Meandered body of water: A permanent natural body of water where a meander line was
129 surveyed by the original Government Land Office and government lots were platted along its
130 boundary.
- 131 Minor Subdivision: Certified survey map.
- 132 Municipality: All units with local self-government.
- 133 Navigable Water: Waters deemed navigable under the navigable-in-fact principle of Chapter 30,
134 Wis. Stats.
- 135 Nonconforming Structure: As defined in section 13.7.0 of the Dunn County Code of Ordinances.
- 136 Ordinary High Water Mark (OHWM): The point on the bank or shore up to which the presence
137 and action of surface water is so continuous as to leave a distinctive mark, such as by erosion,
138 destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other
139 easily recognized characteristics. Where the bank or shore at any particular place is of such
140 character that it is difficult or impossible to ascertain where the point of ordinary high-water
141 mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a
142 lake or flowage to determine whether a given stage of water is above or below the ordinary high-
143 water mark.

Outlot: A non-buildable parcel of land, other than a lot or block, intended for transfer of ownership ~~or private right-of-way~~, which does not meet the requirements of a lot at the time of platting, is intended for open space or other use and held in common ownership, or is transferred to a public agency or utility. An outlot may be ~~a private road or alley~~, a non-buildable parcel having poor soils or topographic conditions, or a remnant parcel. An outlot may not be used as a building site unless it is in compliance with restrictions imposed under this ordinance with respect to building sites. Outlots shall not be used to circumvent the intent of this ordinance.

Owner: Any person, group of persons, firm, corporation or any other legal entity having legal title to the land sought to be divided under this chapter.

Parcel: A piece of land held in one ownership.

Person: Person in this chapter shall include any natural person, corporate entity, or statutory entity.

POWTS: Private Onsite Wastewater Treatment System.

Preliminary Plat: A map showing the features of a proposed subdivision submitted to the Committee for purposes of preliminary consideration.

Private Road:

(a) An existing access easement that has been assigned a road name designation by the Dunn County Land Information Office for the purpose of rural addressing.

(b) An existing outlot being used for the sole purpose of access that has been assigned a road name designation by the Dunn County Land Information Office for the purpose of rural addressing.

(c) A proposed access easement that will be assigned a road name designation for the purpose of rural addressing based upon a determination by the Dunn County Land Information Office.

Plat: The preliminary or final map of a County or State Plat or Assessor's Plat.

Regional Flood: A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one (1) percent chance of being equaled or exceeded in any given year, and if depicted on the Flood Insurance Rate Map (FIRM), the Regional Flood Elevation (RFE) is equivalent to the Base Flood Elevation (BFE).

Remnant: The remainder of a former contiguous tract which would be unaffected by the proposed land division.

Replat: The process of changing, or the map or plat which changes, the boundaries of a recorded plat, certified survey map or a part thereof.

Restrictive Covenant: Written stipulations regarding development which the owner(s) must abide by and be governed by the owner(s) of interest unless otherwise so stipulated, that may not be less restrictive than any local ordinance.

Retracement Certified Survey Map: A certified survey map that retraces, identifies and locates the boundaries of an existing parcel(s) of land where no new additional parcels are created.

Right-Of-Way: A strip of land occupied or intended to be occupied by a road, railroad, utility line, or for other special purposes, and normally requiring public dedication where public maintenance is involved.

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184 Road: A way for vehicular traffic that provides vehicular access to parcels ~~lots~~, not including
185 ~~access private~~ driveways within parcels ~~lots~~.

186 Sewage Disposal System, Private a/k/a Private On-Site Waste Treatment System: An on-site
187 septic, aerobic, experimental, holding, or other system approved for use by the Department of
188 ~~Commerce~~. Safety and Professional Services.

189 State Plat: A map of a division of land prepared in accordance with Ch. 236, Wis. Stats. and the
190 terms of this chapter where:

191 (a) The act of division creates five (5) or more lots of one and one-half (1½) acres each or less in
192 area; or

193 (b) Five (5) or more lots of one and one-half (1½) acres each or less in area are created by
194 successive divisions within a period of five (5) years.

195 Stream: A channel appearing as dashed or solid blue lines on the USGS 7.5 minute quadrangle
196 map or that meets the following definition: A watercourse having a readily discernable source
197 and terminus, banks and beds, through which water flows at least periodically. It does not lose its
198 character as a watercourse even though it may break up and disappear temporarily and reappear
199 downstream.

200 Street: A public or private right-of-way which affords a primary means of vehicular access to
201 abutting properties, whether designated as a street, avenue, highway, road, boulevard, land,
202 throughway, or however otherwise designated, but excepting driveways to buildings.

203 Structure: Anything constructed or erected, the use of which requires a location in or on the
204 premises, or any other attachment to something having a permanent location on the ground
205 which includes, but is not limited to, objects such as dwellings, retaining walls, towers, signs,
206 factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks,
207 satellite dishes or swimming pools. Also included are items of personal property that may have
208 been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for
209 storage or intermittent human habitation. Such incidental structures may include, but are not
210 limited to, truck boxes or semi-trailers, truck campers, travel trailers, buses or motor homes.

211 Subdivider: Any person, corporation or authorized agent who undertakes the subdivision of land
212 as defined in this section.

213 Subdivision: A land division which is affected under this chapter by a certified survey map or
214 plat.

215 Surveyor: A person who surveys land and is duly licensed in the State of Wisconsin.

216 Tract: A contiguous area of land.

217 Utility Easement: An easement to place, replace, maintain, or move utility facilities, such as
218 telephone, water, sewer, gas, and cable television.

219 Variance: A departure from the terms of this chapter as applied to a specific building, structure,
220 or parcel of land, which the Committee may permit, pursuant to this chapter.

221 Wetlands: ~~Those areas identified on the DNR Surface Water Data Viewer or mapped by a DNR~~
222 ~~certified wetland delineator as either mapped wetlands or wetland indicators and soils. Those~~
223 ~~areas where water is at, near, or above the land surface long enough to be capable of supporting~~
224 ~~aquatic or hydrophilic vegetation and which have soils indicative of wet conditions including~~

areas either identified as a wetland by a certified wetland delineator, or designated on the DNR Surface Water Data Viewer as mapped wetlands.

16.05 GEOGRAPHIC JURISDICTION. The provisions of this chapter shall apply to all land and water within the geographical boundaries of Dunn County, Wisconsin, except within any incorporated city or village. Where a duly adopted town ordinance regulating the division of land is more restrictive than this chapter, the town shall be responsible for enforcement of all more restrictive ordinance requirements.

16.06 LAND DIVISIONS GOVERNED BY THIS CHAPTER.

(1) The provisions of this chapter shall apply to:

- (a) All divisions and conveyances of land, including land contracts, and combination or reconfiguration of lots or outlots.
- (b) Any remnant portion of a contiguous tract.
- (c) All certified survey maps, non-restrictive to size, including retracement certified survey maps and certified survey maps created for mortgage purposes.

(2) The following are exempt from the requirements of this chapter:

- (a) Divisions of less than 5 parcels by transfers of interests in land by will or pursuant to court order.
- (b) Divisions of less than 5 parcels by leases for a term not to exceed ten (10) years, mortgages, or easements.
- (c) Divisions of less than 5 parcels by the sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances. For the purpose of this subsection, any fractional part of a lot or outlot intended to be conveyed to an adjoining landowner, or any parcel of land that is not part of a lot or outlot intended to be conveyed to an owner of an existing lot or outlot shall be considered to be an additional lot.
- (d) Assessor's Plats made under Wis. Stat. § 70.27, provided, however, that such plats shall meet all requirements specified in Wis. Stat. §§ 70.27 and 236.03(2).
- (e) Creation or transfer of parcels of twenty (20) acres or greater in size, or that can be described as an equal rectangular half (1/2) of an entire government protracted quarter-quarter section or government lot as defined by the original public land survey system that does not front on a meandered body of water, none of which may be bisected by a public highway.
- (f) Cemetery plats made under Wis. Stat. §157.07.
- (g) Divisions of land relating to the acquisition or exchange of land by public agencies, for public use and occupancy, including but not limited to, land divisions made for road construction purposes.

16.07 PARCEL COMBINATIONS AND RECONFIGURATIONS.

(1) The combination or reconfiguration of two or more adjoining lots or outlots of a certified survey map or plat shall require the preparation of a new certified survey map in compliance

with all provisions of this chapter, except as provided in section 16.07(3), and shall be subject to review by the Department.

(2) Existing parcels may be reconfigured in accordance with Wis. Stat. § 236.34. A certified survey map may be used to reconfigure no more than four (4) lots or outlots within a recorded plat, or CSM, provided that the reconfiguration:

(a) Does not result in a subdivision as defined by Wis. Stat. § 236.02(12)(am); and

(b) Creates parcels that comply with applicable county and other local ordinances, minimum layout requirements in Chapter 236, Wis. Stats., and, if served with private sewerage facilities, Wis. Admin. Code SPS 383 & 385; and

(c) Does not change areas previously dedicated to the public; and

(d) Does not change a restriction or easement placed on the platted land.

~~(3) Combinations or reconfigurations that include existing non-conforming lots or outlots shall not be permitted if any additional non-conformity is created thereby, or that results in any lot or outlot being reduced to an area of less than 20,000 square feet.~~

(4) Parcels being combined shall be contiguous, within the same municipality, and under identical ownership.

16.08 CLASSIFICATION OF LAND DIVISIONS. Land divisions are classified under this chapter as either:

(1) Minor Subdivision.

(a) Creation of a lot smaller than 20 acres from a contiguous tract shall require a certified survey map. A maximum of 4 lots smaller than twenty (20) acres may be created from each quarter-quarter or government lot within a contiguous tract within a 5-year period. Additional lots must be created by county plat or state plat.

(b) Any lot created that is located in multiple quarter-quarters or government lots shall be counted against the quarter-quarter or government lot in which the greater area of the created lot lies.

(c) Certified survey maps shall be prepared and submitted for review, approval, dedication, and recording as required by this chapter and Ch. 236, Wis. Stats., as applicable.

(2) County Plat.

(a) County plats, while resembling state plats, are not subject to state administration review, but are subject to the surveying requirements of chapter 236, Wis. Stats., and shall be prepared and submitted for review, approval, dedication, and recording as required by this chapter.

(b) Creation of 5 or more lots of less than 1½ acres by a division or successive divisions within a period of 5 years within the contiguous tract meets the definition of state subdivision and is subject to state administrative review and the requirements for state plats under this chapter.

(3) State Plat. Land divisions meeting the definition of state subdivisions are subject to mandatory state review under Ch. 236, Wis. Stat., as well as county review under this chapter.

16.09 SUITABILITY STANDARDS.

(1) Pursuant to Wis. Stat. § 236.45, the county is authorized and may prohibit the division of lands where such prohibition will serve to carry out the purposes set forth in this chapter. The county may also regulate the manner of land division in areas where divisions are permitted.

(2) The suitability standards of this section are in addition to standards set forth in other land regulatory ordinances applicable to the county.

(3) These suitability standards shall be applied to all proposed land divisions under the authority stated herein.

(4) No land shall be divided which is held unsuitable for its proposed use for the reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate or contaminated water supply or sewage disposal capabilities, groundwater contamination susceptibility, or any other feature or circumstance likely to result in the imposition of unreasonable costs to remedy severe and avoidable problems or to be harmful to the health, safety, or general welfare of the future residents of the land division or of the community.

(5) Lands deemed unsuitable may, with the approval of the Committee, be divided and designated as an outlot. It must be noted on the face of the certified survey map or plat that the outlot is unsuitable for habitable structures, sanitary facilities or other development uses.

16.10 DIVISION BY PLAT OF HIGH VALUE AGRICULTURAL LAND LANDS WITH HIGH AGRICULTURAL VALUE.

(1) It is declared to be the policy of Dunn County to make a conscious effort to preserve the agricultural use of land which, because of soil characteristics, aggregate acreage, proximity to other farms or other pertinent characteristics, has high value for continued farm uses to meet the food and fiber needs of the county, region, state and nation. ~~Such areas shall include, but not be limited to, those areas identified as being farmland preservation plan certified according to the Dunn County Comprehensive Plan.~~ In the interest of furthering the orderly use of land, preserving the character of these portions of the county, and encouraging the use of land most appropriate to the essential nature of the land itself, land divisions by plat shall be discouraged from intruding on areas of high agricultural value.

~~(2) The Committee, in determining the agricultural value, may seek the advice of the county land and water conservationist, U.S. Dept. of Agriculture Natural Resources Conservation Service, assessors, affected town or municipality and any other county or state agency which would be of assistance in making such a determination.~~

16.11 LIMITATIONS ON LARGE LOT, UNSEWERED DEVELOPMENTS IN AREAS WHICH HAVE POTENTIAL FOR SANITARY SEWER SERVICE. It is declared to be the policy of Dunn County to encourage sanitary sewer service for subdivided developments. In the interest of promoting the orderly use and development of lands and facilitating adequate provisions for sewage services, the following standards shall apply to all land divisions:

(1) Developments that can be connected to sanitary sewage collection and treatment facilities at the time of development shall have all laterals and services to the property line installed in the course of development and shall be connected to the available treatment system prior to occupancy.

(2) Developments in areas wherein sanitary sewage treatment service can reasonably be expected to be available within 5 years of the date of recording of the plat shall have a sewage collection system including services to the property lines installed prior to completion and occupancy. Such collection systems within the boundaries of the tract shall be capped pending availability of a

connection to the expected treatment system. The Committee shall make diligent inquiry into all municipal, state, and federal policies which bear upon the likelihood that service will, in fact, be provided on schedule. If payments from the subdivider and/or owner are a precondition to provision of a sewage service, the requirement that appropriate funds be placed in escrow may be imposed.

16.12 COMPLIANCE AND REQUIREMENTS.

- (1) Land divisions subject to this chapter shall comply with the following applicable rules and regulations:
 - (a) Chapters 59, 70, 87, 92, 15, 236, and 281, Wisconsin Statutes.
 - (b) For state approved subdivision plats, the rules of the Wisconsin Department of Administration (DOA) regarding that agency's administration of Chapter 236, Wisconsin Statutes.
 - (c) State law regulating sanitation and sewerage.
 - (d) Rules of the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.
 - (e) Rules of the Wisconsin Department of Transportation and the Dunn County Highway Department relating to safety of access and preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts a County or State trunk highway or connecting highway or street.
 - (f) Statutory requirements regulating development within floodplain, wetland and shoreland areas, and Standard Best Management Practices, including Chapter 30, Wis. Stats., and Wis. Admin. Code Chapters NR 102, 103, 115, 116, 118, and 151.
 - (g) Applicable county and local regulations, including zoning, erosion and stormwater management, and sanitary ordinances.
 - (h) Comprehensive plans or plan components adopted by the county or local municipalities.
 - (i) All other applicable ordinances and state and federal regulations.
- (2) No land division shall be approved if any part of the contiguous tract has delinquent taxes or outstanding special assessments.
- (3) An offer or contract to convey a lot in a proposed land division shall state on its face that it is contingent on final approval and shall be void if the land division is not approved and recorded.

16.13 ABROGATION AND GREATER RESTRICTIONS.

- (1) It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, or conflicts with any other ordinance, statute or administrative rule, the more restrictive provision shall govern.
- (2) Notwithstanding subsection (1), to the extent that this chapter contains time limits, deadlines, notice requirements or other provisions that provide protections for an applicant contained in Chapter 236, Wis. Stats., the provisions contained in Chapter 236 shall apply.

16.14 CONSTRUCTION. In the interpretation and application of the provisions of this chapter, requirements shall be held to be the minimum requirements and shall be liberally construed in favor of Dunn County, and shall not be deemed a limitation or repeal of any other power granted

by the Wisconsin statutes. References to Wisconsin statutes and administrative code sections shall include all subsequent amendments and successor sections.

16.15 SEVERABILITY. If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

16.16 NONLIABILITY.

(1) In carrying out any of the provisions of this chapter or in exercising any power or authority granted to them thereby, there shall be no personal liability upon the Department, its agents and employees. In such matters, it is understood that the Department, its agents or employees act as agents and representatives of the County.

(2) The County does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation and that those soils listed as being unsuited for specific uses are the only unsuited soils within the County and thereby asserts that there is no liability on the part of the County, its agencies, or employees for sanitation and water supply problems or structural damages that may occur as a result of reliance upon, and conformance with this chapter.

SUBCHAPTER II – CERTIFIED SURVEY MAPS

16.20 PRE-APPLICATION CONSULTATION.

(1) Prior to submitting an application for County approval of a ~~Certified Survey Map~~ certified survey map, it is recommended that the applicant or agent schedule a pre-application consultation to meet with the Department to discuss the location and nature of the proposed project.

(2) Based upon information provided in the pre-application consultation, the Department shall explain to the applicant:

(a) Whether the proposal will require County and/or State reviews.

(b) Which standards of this chapter, other applicable county ordinances, and Ch. 236, Wis. Stats. will apply to the land division.

(c) The procedure to follow to submit a land division for review.

16.21 CERTIFIED SURVEY MAPS.

(1) All certified survey maps shall be prepared by a professional land surveyor licensed in the State of Wisconsin.

(2) The subdivider or their designated agent, shall submit a minor subdivision application form provided by the Department, one (1) copy of the certified survey map, the required review fee and, if applicable, a maintenance and repair agreement as required by section 16.43(3)(~~g~~)(h) to the Department. Upon receipt of all items required in the submission, the Department shall transmit one (1) copy of the application and the certified survey map to each of the following authorities:

(a) Clerk of the town in which the land division is located.

(b) Clerk of an adjoining city or village if the land division lies within their extraterritorial plat approval jurisdiction.

- (c) Where applicable, the Dunn County Highway Department or the Wisconsin Department of Transportation.
- (3) Certified survey maps required by this chapter shall be reviewed and approved prior to recording. The Department shall review and approve, conditionally approve, or reject certified survey maps within ninety (90) days. The ninety (90) day time period shall commence with the submittal of a complete application, the review fee, and certified survey map. The Department's decision shall be stated in writing and based upon the standards of this section, Wisconsin statutes and administrative code, and all applicable portions of this chapter.
- (4) ~~The Certified Survey Map~~ certified survey map shall show correctly on the face of the map the following information in addition to that required by Wis. Stat. § 236.34 and Wis. Admin. Code Chapter A-E 7:
- (a) Date of preparation.
 - (b) Name and address of the owner of the parcel to be divided or their agent, and surveyor.
 - (c) Location and identity of all existing structures. If there are no existing structures on a proposed lot or outlot, this must be stated.
 - (d) Location of existing driveways, wells, POWTS tank cover and vents and the approximate outline of the base of any mound system or above grade drain field.
 - (e) Location of any existing wetlands, ~~including a line depicting a 75-foot building set back, and areas of slope of 20% or greater.~~
 - (f) Location of existing ~~water courses~~, ponds, perennial and intermittent streams, lakes, rivers and flowages, including a 75' offset line from the ordinary high water mark of all navigable streams and lakes.
 - (g) Area of each lot and outlot shown in square feet and acres including and excluding any road rights-of-way. Acreage shall be calculated and shown to a minimum of 1/100th of an acre.
 - (h) Discrepancies between surveyed and occupied lines.
 - (i) Public areas to be dedicated, identified as "dedicated to the public".
 - (j) Regional floodplain boundaries and the contour line which is two (2) feet above the regional floodplain boundary line as defined in Wisconsin Administrative Code Chapter NR 116. ~~All newly created lots shall contain a minimum of ten thousand (10,000) square feet of contiguous land lying above the contour line which is two (2) feet above the regional floodplain boundary line.~~
 - (k) The following note shall be placed on the map whenever a land division is located within one thousand (1000) feet of a navigable lake, pond or flowage and/or within three hundred (300) feet of a navigable river or stream: "Due to the proximity of (insert name of water body) this parcel may be subject to shoreland zoning setbacks and buffers. Prior to any construction or improvements on this property, Contact the Dunn County Zoning Office Environmental Services Department shall be contacted regarding for specific details and permitting requirements." ~~The corresponding one thousand (1000)-foot or three hundred (300)-foot offset line shall also be shown and labeled on the map.~~
 - (l) Apparent easements or private rights-of-way which adjoin or cross the property.
 - (m) Proposed and existing road(s) showing road name and right angle width.
 - (n) A clear and concise legal description that exactly matches the bearings and distances shown on the map. The error of closure for the legal description may not exceed 1 in 3,000.
 - (o) A statement by the surveyor certifying that the provisions of this chapter and any other local ordinances have been fully complied with.

Attachment A

- 474 (p) The meander line, ~~Ordinary High Water Mark~~ ordinary high water mark and water's edge
475 labeled where applicable.
476 (q) An approval/signature block for the county surveyor's office and, when applicable, the
477 county zoning office, in the following forms:

Approved by the Dunn County Surveyor's Office

This _____ day of _____, 20__.

Dunn County Surveyor

Approved by the Dunn County Planning/Zoning Office

This _____ day of _____, 20__.

Dunn County Planning/Zoning Official

- 478
479 (r) A 3" x 3" blank square in the upper right hand corner provided on sheet one for recording
480 information by the Register of Deeds.
481 (s) Datum reference for any elevations.
482 (t) If any easement is created or granted on a certified survey map, a mortgagee certificate must
483 be included on the certified survey map if the parcel being divided currently has an open
484 mortgage.
485 (u) The following note shall be placed on the map whenever any part of a proposed lot or an
486 outlot contains wetlands or areas identified on the Wisconsin DNR Surface Water Data
487 Viewer as wetland indicators and soils: "The parcels shown on this map contain soils which
488 may be seasonally or permanently saturated. These soils may be unsuitable for standard
489 septic systems or other types of on-site wastewater treatment systems and may impose
490 limitations for different types of development or uses, including but not limited to a high
491 water table, ponding, poor drainage, and shrink-swell potential."
492 (5) Any certified survey map containing lands that is part of two or more contiguous tracts, the
493 title of which is held by different owners, shall contain a duly notarized owner's certificate
494 executed by all owners of each contiguous tract. The certificate shall state that the owners
495 consent to the surveying, dividing, and mapping of the property as shown on the map.
496 (6) The Department may send any ~~Certified Survey Map~~ certified survey map to State agencies
497 for advisory review and comments upon a determination that such a referral could yield
498 information that might be useful in the review process.
499 (7) Where the Department finds that the County requires additional information relative to a
500 particular problem presented by the proposed development in relation to County standards, the
501 Department shall have the authority to request such information in writing from the subdivider.
502 Such additional information may include, but not be limited to the following:
503 (a) Existing and proposed zoning on the property adjacent to the proposed land division.
504 (b) Identification of surface drainage patterns, showing direction of flow, grading plan with
505 proposed contours shown at two (2) foot intervals and indicating the manner and extent to
506 which the drainage patterns will be altered by the subdivision and its development.

- (c) Contours within the proposed lots and outlots extended to the centerline of adjacent public streets at vertical intervals of not more than two (2) feet or as designated by the Department.
- (d) Location and dimensions of all sites to be reserved or dedicated for public use, such as parks, playgrounds, and drainage ways.
- (e) Any proposed lake or stream access, improvement, or relocation.
- (f) Identification or the proposed use of all lands within the proposed land division.
- (g) Identification of sources of water supply and sewage services.
- (h) Location and names of any adjacent subdivision, parks, cemeteries; identification of the owners of record of abutting, unplatted lands; sketch plan for future use and development of all adjoining lands owned by the subdivider.
- (i) All lands reserved for future public acquisition.
- (j) An erosion control plan.
- (k) Report on soil borings and percolation tests, as required by Wisconsin Administrative Code for all lots not served by public sewer. Locations of borings shall also be shown on the face of the map.

(8) Certified survey maps shall be recorded pursuant to the requirements of Wis. Stat. § 236.34(2). Prior to recording, the subdivider or their representative shall obtain the signatures on the accompanying certificates as required by Wis. Stat. § 236.34.

(9) The Department shall refer a certified survey map to the Highway Committee for review and action if road dedications to the county are present.

(10) All applications for certified survey maps for which the review process has been suspended without an approval or disapproval shall expire twelve (12) months from the date of submission.

16.22 RETRACEMENT CERTIFIED SURVEY MAPS.

(1) Where it is desired to show the boundaries of an existing ~~parcel of land~~ contiguous tract and establish a convenient legal description for record of title or conveyance, and no additional parcels are created, the subdivider shall do so by use of a retracement certified survey map which complies with the requirements of Wis. Stat. § 236.34 and all applicable sections of this chapter. A retracement certified survey map shall not be used to correct a land division violation.

(2) Retracement certified survey maps are subject to all requirements specified in subsections 16.21(1), (2), (3), (4), (8), (9), and (10) of this chapter.

(3) The following statement shall be shown on the face of all retracement certified survey maps:

“This Certified Survey Map is not a division of property but solely a retracement and depiction of the land boundaries recorded in (Volume _____ Page _____ or Document Number _____), of Dunn County Records.”

SUBCHAPTER III – PLATS

16.30 PRE-APPLICATION CONSULTATION.

(1) Prior to submitting an application for County approval of a County or State Plat, it is recommended that the applicant or agent schedule to meet with Department prior to the preparation of the preliminary plat to prevent the expenditure of time and money on a project that will be denied or extensively modified because of zoning regulations, site limitations such as

floodplains, wetlands, soil suitability or drainage, or proposed division of ~~high value agricultural~~
~~land~~ lands with high agricultural value. At this meeting, the applicant will inform the Department
of the location and nature of the proposed project. Based upon this information, the Department
shall explain to the applicant:

- (a) Whether the proposal will require County and/or State reviews.
- (b) Which standards of this chapter and Ch. 236, Wis. Stats. will apply to the land division.
- (c) The procedure to follow to submit a land division for review.
- (d) It is also recommended the subdivider meet with the appropriate Town Board.

(2) In order to facilitate the pre-application consultation, the subdivider is asked to submit a
concept map drawn to a reasonable scale which clearly represents the proposed land division and
contains the following information:

- (a) Site location showing adjacent roads and adjoining development types.
- (b) Proposed land division boundaries and any publicly owned land in the vicinity.
- (c) Approximate topographic and physical features such as steep slopes, bodies of water,
wetland areas, rock outcrops, existing vegetative cover and areas subject to periodic floods.
The use of a topographic map as a base is recommended.
- (d) Proposed roads and general lot layout.
- (e) Location of any existing and proposed easements.
- (f) Approximate location of existing or proposed structures, including types of construction.
- (g) Proposed surface water drainage and areas to be filled or graded.
- (h) Description of any contiguous property owned or controlled by the subdivider.

16.31 APPLICATION AND REVIEW – COUNTY AND STATE PLATS.

(1) Where it is desired to create a County or State Subdivision, the subdivider shall do so by use
of a County or State Plat that conforms to the requirements of Chapter 236, Wis. Stats., and all
applicable sections of this chapter. The plat shall be prepared by a professional land surveyor
licensed in the State of Wisconsin. The subdivider or their designated agent, shall submit a
county or state subdivision application form provided by the Department, ten (10) copies of the
preliminary plat, two (2) copies of each preliminary soil evaluation report as required by section
16.46(8) of this chapter, the required review fee, and, if applicable, a maintenance and repair
agreement as required by section 16.43(3)(~~g~~)(h) of this chapter, to the Department. Upon receipt
of all items required in the submission, the Department shall transmit one (1) copy of the
application and preliminary plat to each of the following authorities:

- (a) One (1) copy each to the Dunn County Surveying, Zoning and Land Conservation Offices.
- (b) Dunn County Highway Commissioner.
- (c) Dunn County Land Information Office.
- (d) Clerk of the town in which the land division is located.
- (e) Clerk of an adjoining City or Village if the land division lies within their extraterritorial plat
approval jurisdiction.
- (f) Wisconsin Department of Natural Resources.
- (g) Wisconsin Department of Transportation, if applicable.

(2) The subdivider or their designated agent shall provide a copy of the preliminary plat to each
affected public or private utility.

(3) The Committee, within ninety (90) days of the date of filing of a preliminary plat with the
Department shall approve, conditionally approve or reject such plat, unless the time is extended

by mutual agreement with the subdivider. The ninety (90) day period shall commence with the submission of a complete application, the review fee, and required copies of the preliminary plat. One (1) copy of the preliminary plat shall thereupon be returned to the subdivider with the date and the action recorded thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One (1) copy each of the plat and letter shall be placed in the Department's permanent file. Failure of the Committee to act within ninety (90) days of the date of filing or within the time as extended by agreement with the subdivider shall constitute an approval.

(4) The Committee shall not approve any preliminary plat that is the subject of an unsatisfied objection from an objecting agency.

(5) The Department shall not place the preliminary plat on the Committee agenda for review unless there has been a complete submittal, including Town Board input, at least fifteen (15) days prior to the required Committee meeting date.

(6) Upon approval of the preliminary plat, the subdivider shall submit ten (10) copies of the final plat on 22" x 30" paper to the Department for review and approval. The final plat shall be based upon a survey by a professional land surveyor licensed in the State of Wisconsin. Upon receipt of a final County or State Plat, the Department shall transmit one (1) copy of the plat to each of the authorities listed in section 16.31(1)(a-g).

(7) The Committee, within sixty (60) days of the date of filing of a final plat with the Department, shall approve, approve conditionally or reject such plat, unless the time is extended by mutual agreement with the subdivider. If approved, the certifications on the plat shall be completed. If approved conditionally, the certifications shall not be completed until the conditions are met. If rejected, a letter setting forth the reasons for rejection shall accompany the plat. Failure of the Committee to act within sixty (60) days of the date of filing or within the time as extended by agreement with the subdivider shall constitute an approval. The sixty (60) day period shall commence with the completed submission of the final plat to the Department.

(8) The Committee shall not approve any final plat which is the subject of an unsatisfied objection from any objecting agency.

(9) The Department shall not place the final plat on the Committee agenda for review unless there has been a complete submittal at least ten (10) business days prior to the required Committee meeting date.

(10) Relationship between Preliminary and Final Plat:

(a) Approval of a preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted and a guide to the preparation of the final plat which will be subject to further consideration by the Committee at the time of its submission.

(b) If the final plat conforms substantially to the preliminary plat as approved, including any conditions of the preliminary approval, and meets the requirements of applicable ordinances, it is entitled to approval.

(c) If the final plat is not submitted within thirty-six (36) months of the last required approval of the preliminary plat, the Committee may refuse to approve the final plat.

(11) Partial platting. A final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time. Any additional final plat(s) of the

remaining portion of the approved preliminary plat must be approved within 36 months after the last required preliminary plat approval, unless extended by the Committee.

(12) Restrictive covenants. All restrictive covenants which apply or which the subdivider intends to apply to the land within the subdivision shall be provided in a separate document and accompany the preliminary plat at the time of submittal. The Committee may add further restrictive covenants as provided in Wis. Stat. § 236.293.

(13) A final plat rejected by the Committee must be re-submitted for review pursuant to section 16.31, including all fees and required copies. Re-submittal of a rejected plat shall commence a new time frame for review purposes.

(14) The Department may send any County Plat to State agencies for advisory review and comments upon a determination that such a referral could yield information that might be useful in the review process.

16.32 PRELIMINARY PLATS. In addition to the requirements of Chapter 236, Wis. Stats., all preliminary county or state plats submitted for review shall state correctly on their face the following information:

(1) A subtitle of "County Plat" shall be required for all preliminary county plats.

(2) The proposed plat name. The plat name shall not duplicate the name of any plat previously recorded in Dunn County.

(3) Name and address of the legal owner or agent of the property, developer and surveyor.

(4) Location sketch, graphic scale, ~~and~~ north arrow and vertical datum reference for any elevations.

(5) A map drawn at a convenient scale of not more than 100 feet to the inch showing the boundaries of the property being considered for division.

(6) A legal description of the proposed land division tied by lengths and bearings to a monumented boundary line of a quarter section in which the subdivision lies. A description of the monuments at the ends of the line and the bearing and distance between those monuments shall be shown.

(7) Bearings and distances along the exterior boundaries of the plat and the total acreage and square footage encompassed thereby.

(8) Approximate dimensions and square footage of all lots together with proposed lot and block numbers.

(9) Proposed and existing roads showing name and right angle width.

(10) Approximate radii and arc length of all curves.

(11) Contours within the plat and extended to the centerline of adjacent public streets at intervals of not more than two (2) feet or as designated by the Department.

(12) ~~All~~ Location and identity of all environmentally sensitive areas including applicable 75-foot ~~buffers offset lines and the vertical contour line which is two (2) feet above the regional floodplain boundary line as defined in Wisconsin Administrative Code NR 116 where applicable. For wetland and shoreland boundaries, sources of data shall be identified. If any portion of the subject property contains lands that are identified on the Wisconsin DNR Surface~~

Water Data Viewer as either mapped wetlands or wetland indicators and soils, the applicant shall have a wetland delineation performed by a certified wetland delineator unless said type of delineation has previously been performed. Acceptance of a previous delineation shall be at the discretion of Department staff.

(13) Locations of existing structures, water bodies and courses, drainage ditches, fences, soil borings required by section 16.46(8), and other pertinent features.

(14) Location, size and invert elevation of any existing sanitary or storm sewers, culvert and drain pipes, manholes, catch basins, hydrants, electrical and communication facilities, whether overhead or underground and the location and size of any existing water or gas mains within the exterior boundaries of the plat or immediately adjacent thereto.

(15) Locations and names of adjoining parks, cemeteries, subdivisions, ponds, streams, lakes, rivers and flowages.

(16) Any land reserved for public purposes, including parks, playgrounds, and open spaces. Areas to be dedicated to the public shall be identified as “dedicated to the public.”

(17) The area contiguous to the proposed plat owned or controlled by the subdivider shall be indicated on the preliminary plat even though only a portion of the plat is proposed for subdivision development.

~~(18) Regional floodplain boundaries and the vertical contour line which is two (2) feet above the regional floodplain boundary line as defined in Wisconsin Administrative Code NR 116. All newly created lots shall contain a minimum of ten thousand (10,000) square feet of contiguous land lying above the contour line which is two (2) feet above the regional floodplain boundary line.~~

(18) Location of existing driveways, wells, POWTS tank cover and vents and the approximate outline of the base of any mound system or above grade drain field.

(19) Location and dimensions of any proposed lake, river or stream access.

(20) The deed reference for the subject property (by volume and page or document number) shall be identified on the map or in the surveyor’s certificate.

(21) A surveyor’s certificate stating the plat is a correct representation of the indicated features and that the surveyor has fully complied with the provisions of this chapter.

(22) Seal and signature of the surveyor and the date signed on each sheet of the plat.

(23) Where the Department or the Committee finds a need for additional information relative to a particular problem presented by the proposed subdivision, it shall have the authority to request in writing that additional information be included on the preliminary plat or accompanying documents. Such additional information may include, but shall not be limited, to the items listed in section 16.21(7).

16.33 FINAL PLATS. In addition to the requirements of Chapter 236, Wis. Stats., all final county or state plats submitted shall show correctly on their face the following information:

(1) A subtitle of “County Plat” shall be required for all final county plats.

(2) A clear and concise legal description that exactly matches the bearings and distances shown on the plat. The error of closure for the legal description may not exceed 1 in 3,000.

(3) Regional floodplain boundaries and the contour line which is two (2) feet above the regional floodplain boundary line as defined in Wisconsin Administrative Code Chapter NR 116.

(4) The following note shall be placed on the plat whenever a land division is located within one thousand (1000) feet of a navigable lake, pond or flowage and/or within three hundred (300) feet of a navigable river or stream: "Due to the proximity of (insert name of water body) the parcels shown on this plat may be subject to shoreland zoning setbacks and buffers. Prior to any construction or improvements on this property, the Dunn County Environmental Services Department shall be contacted regarding permitting requirements."

(5) Location of existing wetlands, ponds, perennial and intermittent streams, lakes, rivers and flowages, including a 75' offset line from the ordinary high water mark of all navigable streams and lakes. For wetland and shoreland boundaries, sources of data shall be identified.

(6) Location of existing driveways, wells, POWTS tank cover and vents and the approximate outline of the base of any mound system or above grade drain field.

(7) Datum reference for any elevations.

~~(3)~~ (8) Area of each lot and outlot shown in square feet and acres including and excluding any road rights-of-way. Acreage shall be calculated and shown to a minimum of 1/100th of an acre.

~~(4)~~ (9) Lands reserved for future public acquisition or for the common use of the property owners within the subdivision. Such lands shall be described and established as outlots. Outlot restrictions shall appear on the face of the plat.

~~(5)~~ (10) Special restrictions required by the reviewing authorities.

~~(6)~~ (11) All certificates required by Wis. Stat. § 236.21, and in addition, certification of full compliance by the surveyor with Chapter 236, Wis. Stats., the provisions of this chapter and any other applicable local ordinances.

~~(7)~~ (12) A pre-designed block for the Register of Deeds recording information shall be placed on sheet one of the plat. The Department shall provide this block to the subdivider at the time of preparation of the final plat.

~~(8)~~ (13) A pre-designed approval certificate for the chair of the Committee shall be placed on the plat. The Department shall provide this block to the subdivider at the time of preparation of the final plat.

~~(9)~~ (14) Where the Department or the Committee finds a need for additional information relative to a particular problem presented by the proposed subdivision, it shall have the authority to request in writing that additional information be included on the final plat or accompanying documents.

16.34 RECORDING OF FINAL PLAT.

(1) No plat shall be recorded until the certificates required by Wis. Stat. §§ 236.21 and 236.25 are completed and signed. The certification by the Committee shall be the last certification obtained.

(2) The final plat shall be submitted to the Register of Deeds for recording within twelve (12) months after date of Committee approval. Failure to submit the plat within the time limit shall render the plat void.

16.35 REPLATS; VACATION OR ALTERATIONS OF RECORDED PLATS.

(1) The replatting of all or part of an existing plat that contains no dedication to the public may be accomplished by following the procedures established in sections 16.20–16.21 or 16.30–16.34 of this chapter.

(2) If the replatting alters areas dedicated to the public, the existing plat shall first be vacated in accordance with Wis. Stat. §§ 236.36-236.445 prior to replatting.

16.36 IMPROVEMENTS. No construction or installation of improvements shall commence in a proposed subdivision until the final plat has been approved by all reviewing authorities, unless specifically approved by the Committee when the preliminary plat is approved.

SUBCHAPTER IV – SURVEYING REGULATIONS AND DESIGN STANDARDS

16.40 SURVEYING REQUIREMENTS AND GENERAL PROVISIONS.

(1) Surveyors shall install all survey monuments in accordance with the requirements of Wis. Stat. § 236.15 at the expense of the subdivider. The Committee may waive the placing of monuments for a reasonable time on the condition that the subdivider executes a security bond to ensure placement of required monuments within the time required.

(2) If a U.S. public land survey monument record form is required per Wis. Admin. Code Chapter A-E 7.08(1), said form shall accompany all surveys submitted for review.

(3) If a survey includes any portion of a lot or outlot of an existing ~~Plat or Certified Survey Map~~ plat or certified survey map, the previous ~~CSM~~ certified survey map (by lot or outlot and ~~CSM~~ certified survey map number) or ~~Plat plat~~ (by lot or outlot and block number and plat name) shall be labeled on the face of the map in its proper location underscored by either a dotted or dashed line and shall be noted within the caption of the map.

(4) The Government Lot or Quarter-Quarter, Section, Township and Range, Municipal Town, Village or City, County, and State in which a land division is located shall be noted within the caption of all certified survey maps and plats.

(5) Division of lands under this chapter shall comply with all applicable ~~provisions of the Dunn County Comprehensive Zoning Ordinances~~ ordinances.

(6) The lines of any lots or outlots shown on a land division that follow a quarter-quarter line or government lot line shall be clearly labeled.

16.41 DESIGN STANDARDS – GENERAL. This subchapter shall apply to all divisions of land regulated by this chapter. Land division design shall be planned in proper relation to existing and proposed land divisions, streets, topography, surface water, vegetation cover, and other natural features.

16.42 SURFACE DRAINAGE AND EROSION CONTROL.

(1) The purpose of this section is to protect property and structures from damage caused by increased surface water runoff volumes and/or velocities due to platting and development of land

and to prevent the degradation of existing wetlands, waterways, and surface and ground water quality.

(2) Land divisions shall be designed so as to minimize soil erosion, provide reasonable management of surface water drainage, permit the unimpeded flow of natural watercourses, and provide positive drainage away from on-site sewage disposal facilities. The Committee may require engineering studies of erosion potentials and may impose preventative design requirements. The Committee may require documentation of surface water drainage patterns and may impose design requirements to assure that flows are transported and disposed of without causing undue erosion and siltation of surface waters, undue runoff onto adjoining lands or streets or other rights-of-way or excessive infiltration into locations of on-site sewage disposal systems. ~~A subdivider may request assistance and consultation from the Dunn County Land and Water Conservation Division in meeting the above requirements.~~

(3) Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the natural lines of such water course, and of such width or construction or both as will be adequate for drainage purposes. Wherever possible, it is desirable that the drainage be maintained by an open channel with natural or landscaped banks. In most instances, property subject to a drainage easement shall be privately owned as part of one or more lots within a land division.

(4) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

(5) Stormwater Management and Erosion Control Plan. For plats and certified survey maps, if deemed necessary by Department staff, the subdivider shall submit a stormwater management and erosion control plan. The plan must be approved by Department staff prior to final approval and recording of the land division and include the following information:

- (a) General site plan of the development, including site boundaries, lot and road locations, exiting buildings and vegetative cover.
- (b) A narrative describing the proposed development, include implementation schedule for the planned management practices.
- (c) Soil types, infiltration characteristics, and corresponding hydrological group(s).
- (d) Watershed boundaries and the direction of surface water flow indicated by arrows.
- (e) The location of existing and proposed bridges, culverts, catch basins, waterways, drainage ditches and swales, storm sewers, detention and retention basins, etc., and indicate the size, dimensions, elevations and grades of each.
- (f) Existing ground contours at two-foot (2') intervals and proposed contours, if applicable.
- (g) Necessary drainage easements for all drainage ways and stormwater management facilities.
- (h) Erosion control practices.
- (i) Technical data, including calculations of pre-construction and post-construction peak flow rates, assumed runoff curve numbers, and time of concentration used in calculations.
- (j) A maintenance plan developed for the life of each stormwater management practice including required maintenance activities, maintenance schedule and responsible entity.
- (k) Cost estimates for the construction, operation, and maintenance for each stormwater management practice.
- (l) Other information deemed necessary by Department staff to administer this section.

(m) All site investigations, plans, designs, computations, and drawings shall be certified by a Professional Engineer, licensed to practice in the State of Wisconsin, to the effect that they have been prepared in accordance with accepted engineering practices.

(6) Minimum Standards for Stormwater Management. All stormwater management facilities shall be designed, installed, and maintained to effectively accomplish the following:

(a) Maintain or lower peak runoff discharge rates as compared to pre-settlement (woods-grass) conditions for the twenty-four (24) hour storm event, using the Runoff Curve Numbers designated on Table 16.42 below for the appropriate site soil hydrological group.

Table 16.42 Maximum Pre-Settlement (woods-grass combination)				
Runoff Curve Numbers				
Hydrological Soil Type	A	B	C	D
Runoff Curve Number	32	58	72	79

Source: "Urban Hydrology for Small Watersheds," USDA Technical Release 55; June 1986.

(b) Sediment Control. By design reduce the average total suspended solids load by eighty percent (80%) as compared to no controls for the site.

(c) Infiltration. Infiltration of stormwater to reduce volume of runoff is encouraged where technically feasible. If stormwater infiltration can be demonstrated, the reduced volume may be taken into account when designing practices to meet the peak flow control, and pollution control requirements of this section.

(d) Post development runoff volume must be maintained or reduced compared to pre-development settlement conditions for the 25 year, 24 hour, Type II storm event.

(e) Constructed drainage swales shall be designed at a minimum to accommodate a 25 year, 24 hour, Type II storm event.

(f) Each lot affected by a High Water Elevation (H.W.E.) established for a constructed stormwater pond with a designed outlet shall have a Lowest Building Opening set at a minimum of two feet higher than the H.W.E. calculated using the critical 100 year storm event.

(7) Stormwater management ponds shall be located on outlots which shall be owned in equal undivided shares by all lot owners. Lot owners shall be liable for an equal undivided share of the cost to repair, maintain or restore said ponds. Dunn County shall not be liable for any fees or special charges in the event the county becomes the owner of any lot or outlot by reason of tax foreclosure.

(8) It is the responsibility of all property owners to maintain in satisfactory condition all drainage systems within drainage easements, including drainage swales and retention ponds. No structure, planting or other material shall be placed or permitted to remain within a drainage easement that may damage or interfere with drainage. Any grading or filling that would alter the capacity or flow of any drainage system is prohibited.

(9) The Department shall have the right to inspect drainage systems to identify areas that need to be repaired or restored. The Department shall give property owners written notice of the nature of existing defects and the corrective action necessary. Should the owner fail to commence corrective action to the satisfaction of the Department within 30 days from the date of the notice, the County may complete or cause the corrective action to be completed, the cost of which shall become a lien on the real property of the owner until paid.

(10) The Department may require a minimum 15-foot-wide access easement dedicated to Dunn County to allow for any future inspection and maintenance work. Any such easement shall be located on adequate soil or surfacing to withstand loads produced by standard construction equipment. The access easement shall not include any area where channelized flow of runoff occurs or where storm water may pond to a depth greater than six inches during a 100-year, 24-hour design storm.

16.43 STREETS, AND PUBLIC AND PRIVATE ROADS, AND ACCESS EASEMENTS.

(1) General Considerations for Public and Private Roads and access easements. ~~Subdividers shall provide land for roads.~~ Roads and access easements, including cul-de-sacs, shall be designed and improved as required by town ordinance. Where no town ordinance pertaining to design and improvement of roads and easements exists, roads and easements shall be designed and improved as provided in this section and located with due regard for existing and planned roads, access easements, future subdivisions, topographic conditions, natural terrain and features, and public convenience and safety. These provisions shall apply to all public ~~streets~~ and private roads, and access easements within the jurisdiction of this chapter:

~~(a) For newly created land divisions, right-of-way width shall be at least 66 feet.~~

(a) No existing or proposed structures shall be permitted within the right-of-way of any newly proposed public or private road or access easement.

(b) Any municipality of jurisdiction may impose more restrictive road construction or design standards than those imposed herein. In those situations the municipality of jurisdiction shall be responsible for enforcing those more restrictive requirements.

(c) All public and private roads must be numbered pursuant to Chapter 23 of the Code of Ordinances. Numbers shall be assigned by the Land Information Office. Before any plat or certified survey map can be approved for recording, road numbers shall be placed on the document to be recorded.

~~(d) Proposed streets within county and state plats, shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless the Committee finds that such extension is not necessary or desirable for the coordination of the layout of the land division or for the advantageous development of the adjacent tracts.~~

~~(e) Existing public or private roads or easements that are proposed to provide access to newly created lots shall meet the requirements of this section. If a road does not meet such requirements, the subdivider shall meet with the town and committee to determine the suitability of the existing road and determine what conditions, if any, need to be met to provide for adequate access. Existing roads shall be clearly labeled, and the recording information showing ownership or easement interests shall be shown on the map.~~

~~(f)~~ (d) The committee may waive the requirements set forth in this section for land divisions with unique topography or other physical features, few lots and little potential to connect with existing or future adjacent land divisions, and the waiver will secure substantially the purposes described in section 16.03 and will not be detrimental to the public safety, health or welfare or injurious to other property.

(2) Public Roads. These provisions shall apply to all public roads intended to provide access to newly created parcels.

(a) All roads in plats shall be public roads, unless the governing municipality has adopted an ordinance allowing lots and outlots to be served by a private road ~~chooses not to accept the roads.~~

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- (b) An owner's certificate of dedication and a Town or County certificate of approval shall be shown on certified survey maps or plats when public roads are created and dedicated.
- (c) Minimum street width shall comply with Wis. Stat. § 236.16(2).
- (3) Private Roads and Access Easements. Except as provided in section 16.43(2), private roads and access easements are only allowed on certified survey maps and shall meet the following requirements:
- (a) No more than 4 lots or outlots, or a combination thereof, including lots and outlots in existence prior to the adoption date of this ordinance, may be accessed by a private road or access easement. Right-of-way width shall be a minimum of 66 feet. A variance from this requirement may be granted based on undue hardship. This standard shall not apply to plats with private roads.
- ~~(b) A private road shall not exceed the greater of 1,320 feet in length or the length of a quarter-quarter section or government lot. Length shall be measured along the centerline to the right-of-way of the nearest connecting through street.~~
- ~~(b) Right-of-way width shall be a minimum of 66 feet.~~
- (c) Any lots, outlots, or parcels existing prior to the adoption date of this ordinance that are accessed by a private road or access easement which is less than 66 feet in width that are either combined or reconfigured so that no new additional parcels are created, shall be exempt from this requirement.
- (d) Two or more existing lots or outlots fronting on a private road or access easement that was in existence prior to the adoption date of this ordinance may be consolidated or reconfigured regardless of how many lots or outlots the private road or access easement is currently serving.
- ~~(e) All private roads designed as permanent dead ends roads shall have sufficient side and overhead clearances to allow access and an adequate turnaround for public service vehicles, including, but not limited to, fire and police vehicles, ambulances, public utility vehicles and school buses. Such private roads shall terminate with either a full (360 degree) circular turnaround having a minimum turnaround right-of-way radius of 75 feet and a minimum finished driving surface radius of 50 feet or with some other style of turnaround approved by the local municipality and emergency responders having jurisdiction.~~
- ~~(e) Easements for private roads shall be nonexclusive, i.e., access shall be granted at all times for public service vehicles, including, but not limited to, fire and police vehicles, ambulances, public utility vehicles, and school buses. Private road easements shown on certified survey maps which are not being dedicated shall provide the following note on the face of the map: "Any conveyance of the lots shown on this map must be accompanied by a description for the access easement."~~
- ~~(d) (f) Private roads from an existing public road to the newly created lot(s) lots and outlots shall be shown, dimensioned, and clearly labeled "Private Road" on the map.~~
- (g) Proposed private roads and access easement shown on a certified survey map or plat, which are not being dedicated, shall include the following note on the face of the map or plat: "Any conveyance of the lots or outlots shown on this (map or plat) must either be accompanied by a description for the access easement, or include the easement by reference.
- ~~(f) (g) No private road or access easement shall be designated as an outlot.~~
- ~~(g) (h) When 2 or more lots or outlots created under the terms of this chapter are accessed by a private road or access easement, an agreement for the repair and maintenance of such road or~~

easement must be submitted for approval to the Department at the time of application. Maintenance agreements shall be recorded simultaneously with the certified survey map or plat. Lots or outlots fronting on a private road or access easement that was in existence prior to the adoption date of this ordinance are exempt from this requirement.

~~(h) No person shall sell any parcel of land if it abuts on a road that has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town or the County.~~

(i) Any ~~land division~~ certified survey map or plat that contains a private road shall have the following statement placed on its face:

“Access to ~~this property~~ the parcels shown on this map is provided by nonexclusive easement. Access shall be granted at all times for public service vehicles, including, but not limited to, fire and police vehicles, ambulances, public utility vehicles, and school buses. ____ (insert road/street name) ____ as shown on this map is not a public road and the Town of ____ and Dunn County have no responsibility for snow plowing or other maintenance, or for the construction of a driving surface, upon said easement.”

(j) Proposed private roads within county and state plats shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless the Committee finds that such extension is not necessary or desirable for the coordination of the layout of the land division or for the advantageous development of the adjacent tracts.

(k) Existing private roads or access easements that are proposed to provide access to newly created lots shall meet the requirements of this section. If said roads or access easements do not meet such requirements, the subdivider shall meet with the town and committee to determine the suitability of the existing roads or easements and determine what conditions, if any, need to be met to provide for adequate access. Existing private roads or access easements shall be clearly labeled, and the recording information showing ownership or easement interests shall be shown on the map.

(4) Arrangement.

(a) All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way and future subdivisions.

(b) All streets shall be properly designed to accommodate special traffic generators, such as industries, business districts, schools, churches, and shopping centers.

(c) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of streets necessary to provide convenient and safe access to property.

(d) The use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where such use may result in a more desirable layout.

(5) Half streets. Where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half street shall be dedicated by the subdivider.

(6) Street intersections.

(a) Streets shall be laid out so as to intersect as nearly as possible at right angles but deflections of up to twenty (20) degrees from right angles will be acceptable. No more than two (2) streets shall converge at an intersection unless specifically approved by the Committee.

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(b) Proposed new intersections along one side of an existing street shall coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted. Where streets intersect major streets their alignment shall be continuous.

(c) The Town Board or Committee may require the subdivider to dedicate or reserve land at intersections to the extent deemed necessary to provide adequate sight distances.

(7) Alleys. Alleys may be required by the Committee where deemed necessary. Alleys in residential districts and dead-end alleys shall be prohibited.

(8) Alignment. When a continuous street centerline deflects at any point by more than ten (10) degrees, a circular curve shall be introduced having a minimum centerline radius of one hundred (100) feet. A tangent at least one hundred (100) feet in length shall be provided between reverse curves.

~~(9) Permanent cul-de-sacs. Permanent cul-de-sacs shall have a minimum turnaround right-of-way radius of 75 feet and a minimum finished driving surface radius of 50 feet. Cul-de-sacs shall have a maximum length of 1,320 feet, or the length of a quarter-quarter section or government lot. Length shall be measured from the radius point of the cul-de-sac along the centerline to the right-of-way of the nearest connecting through street. These standards shall not be applicable to temporary cul-de-sacs.~~

~~(10)~~ (9) Temporary cul-de-sacs. Temporary cul-de-sacs may be required by the Committee to insure continuity of the road pattern between adjoining subdivisions. The Committee shall determine maximum length, turnaround dimensions and design.

~~(11)~~ (10) Floodplain areas. Any part of a street located within a floodplain area shall meet all requirements of Chapter 15, Dunn County Code of Ordinances. All streets located within or passing through floodplain areas shall be constructed in a manner that will not impede the flow of floodwaters.

~~(12)~~ (11) Utility easements. The Committee may require easements for electric power and communication facilities, storm and sanitary sewers, gas, water and other utility lines. Easements shall be of sufficient width for the proposed use and shall be placed wherever feasible along lot lines. All easements shall be noted on the final plat followed by a reference to the use for which they are intended.

16.44 ACCESS.

(1) All lots shall front on a public or private road or access easement.

(2) Access easements through the lands of others shall be recorded prior to approval of any land division. Recorded documents granting access shall be shown by volume and page or document number on the face of the ~~CSM~~ certified survey map or plat.

(3) Major land divisions abutting state highways are subject to Wis. Admin. Code Chapter Trans 233.

(4) Any created parcels and/or developments abutting or requiring access from a county highway shall require consultation with the Dunn County Highway Department.

(5) Any county plat and major subdivision abutting a navigable river, lake or stream shall comply with the requirements of Wis. Stat. § 236.16(3)(a).

16.45 BLOCKS.

(1) General. If a land division includes blocks, the width, length and shape of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access control and safety of street traffic and topography. Blocks shall be designed as required by town ordinance. Where no town ordinance pertaining to block design exists, blocks shall be designed as follows:

(a) Residential blocks. Block lengths in residential areas should not, where practical, exceed one thousand three hundred twenty (1,320) feet nor be shorter than six hundred (600) feet. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths except where greater depth is required to separate residential development from through traffic, public parks, cemeteries, railroads, shorelines, waterways, or extreme topography.

(b) Nonresidential blocks. Blocks designed for business, commercial, or industrial uses shall be of such length and width as may be determined suitable by the Committee for the prospective use.

(2) Pedestrian ways. In blocks over nine hundred (900) feet long, the Committee may require paved pedestrian ways through blocks as deemed necessary for access to streams, lakeshores, public parks, schools or other public and quasi-public areas.

16.46 LOTS AND OUTLOTS.

~~(1) Unless specifically waived by the Committee or other provisions of this chapter, a separate lot shall be provided for each structure intended for residential use.~~

~~(2) (1) No lots or outlots created by a certified survey map or plat under the terms of this chapter shall be bisected by a public or private road or proposed private road or proposed access easement. Lots or outlots bisected by a private road or access easement that existed prior to the adoption date of this ordinance shall be exempt from this provision if they are ever further subdivided.~~

~~(3) (2) Lot dimensions.~~

~~(a) Towns in which neither county nor town zoning is in effect: minimum lot size of 43,560 square feet and minimum of 85 feet in width at the building line. The depth of any lot shall not be greater than four times the lot width.~~

~~(b) (a) Towns with Town zoning: minimum lot size and width designated in the town zoning ordinance.~~

~~(c) (b) Towns under County zoning: minimum lot size and width designated in the Dunn County Comprehensive Zoning Ordinance.~~

~~(d) (c) Shoreland overlay districts areas: minimum lot size and width designated in the Dunn County Shoreland Zoning Ordinance.~~

~~(e) (d) Areas that are not located within Shoreland overlay districts, or regulated by County or Town Zoning: minimum lot size of 43,560 square feet and an average minimum lot width of eighty-five (85) feet. A copy of average lot width formulas for various lot configurations shall be kept on file in the County Surveyor's Office and provided upon request.~~

~~(f) (e) Two or more adjacent lots that were in existence prior to the adoption date of this ordinance that are either combined or reconfigured shall be exempt from the requirements in (d), above, subject to section 16.07(3) of this chapter.~~

~~(g) (f) The area located within the right-of-way of any public or private street road or access easement shall not be included in the minimum lot area of any lot or parcel outlot created under the terms of this chapter.~~

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- 1106 (g) The depth of any lot shall not be greater than four times the lot width. A copy of average lot
1107 width formulas for various lot configurations shall be kept on file in the County Surveyor's
1108 Office and provided upon request.
- 1109 ~~(4) (3) Corner lots shall be platted with a an average width of at least fifteen (15) one hundred~~
1110 ~~(100) feet. wider than the minimum required by the Dunn County Comprehensive Zoning~~
1111 ~~Ordinance.~~
- 1112 ~~(5) (4) All lots must have dryland access to a public or private road.~~
- 1113 ~~(6) Each lot must contain a net contiguous buildable area of 30,000 square feet or more without~~
1114 ~~disturbing areas with slopes of 20% and greater that existed prior to concept review~~
- 1115 (5) The lot size, width, depth, shape, and orientation shall be sufficient to provide reasonable
1116 developable area that is not restricted by easements, building setbacks, zoning setbacks, zoning
1117 requirements, environmentally sensitive areas, or other constraints.
- 1118 (6) When a newly created lot contains environmentally sensitive areas, the applicant may be
1119 required to demonstrate to the satisfaction of the Department that the lot has sufficient area to
1120 accommodate building setbacks, the entire on-site wastewater treatment system, and its
1121 replacement. Department staff may require a report on soil borings and percolation tests as
1122 required by Wisconsin Administrative Code during the review.
- 1123 (7) Side lot lines shall be radial to curved streets or cul-de-sacs where possible, and generally
1124 perpendicular to street lines.
- 1125 (8) Any lot created by plat that is not served by public water and sewer facilities and provisions
1126 for such service have not been made, shall require a minimum of one (1) soil boring meeting the
1127 requirements of Wis. Admin. Code SPS 385 for private onsite sanitary systems and a preliminary
1128 soil evaluation report. All soil borings required under this chapter shall be conducted by a
1129 Certified Soil Tester licensed in Wisconsin.
- 1130 (9) All lots and outlots shall have a minimum of thirty-three (33) feet of frontage directly on a
1131 public or private road or access easement. Any proposed outlot that is intended to be conveyed to
1132 an adjoining landowner, shall be exempt from this provision and will require the following note
1133 to be placed on the face of the certified survey map or plat: "Outlot (insert number) is intended to
1134 be conveyed to an adjoining landowner. Any future independent conveyance of said outlot to a
1135 non-adjoining landowner, shall include an access easement as part of the conveyance."
- 1136 ~~(10) Where a contiguous tract is subject to the right-of-way of a public road, any newly created~~
1137 ~~lot fronting on the public road shall also include that portion of the contiguous tract lying~~
1138 ~~immediately adjacent to the lot which is subject to the road right-of-way.~~
- 1139 (10) Where a contiguous tract is subject to the right-of-way of a public road, any newly created
1140 lot or outlot fronting on the public road shall also include that portion of the contiguous tract
1141 lying immediately adjacent to the lot or outlot which is subject to the road right-of-way, unless
1142 said portion of the contiguous tract is dedicated to the public.
- 1143 (11) No lot shall be created if the proposed division will result in a nonconforming structure,
1144 unless an owner's certificate is placed on the certified survey map or plat requiring that the
1145 nonconforming structure be razed or moved in such a way to correct the nonconformity prior to
1146 the conveyance of the surveyed lot.

- 1147 ~~(12) No lot shall be created with more than one (1) existing habitable structure.~~
1148 ~~(13) (12)~~ All outlots created shall be accompanied with a statement of purpose or use. Outlots
1149 shall not be used to circumvent the intent of this ordinance.
- 1150 (13) Retracement certified survey maps prepared in accordance with section 16.22(2) of this
1151 chapter shall be exempt from all requirements of this section.
- 1152 (14) All newly-created lots shall contain a minimum of ten thousand (10,000) square feet of
1153 contiguous land lying above the contour line which is two (2) feet above the regional floodplain
1154 boundary line.
- 1155 **16.47 LANDS NEAR WATER'S EDGE.**
1156 (1) Lands lying between the meander line, established in accordance with Wis. Stat. §
1157 236.20(2)(g) and the water's edge, and any otherwise unplattable lands, such as floodways,
1158 which lie between a proposed land division and the water's edge shall be included as part of lots,
1159 outlots or public dedications in any map or plat abutting a lake or stream. This requirement
1160 applies not only to lands proposed to be divided, but also to all lands under option to the
1161 subdivider or in which the subdivider holds an interest and which abut a lake, river or stream as
1162 provided in Wis. Stat. § 236.16(4).
- 1163 (2) Lands located below the ~~Ordinary High Water Mark~~ ordinary high water mark of any
1164 navigable water shall not be included in determining minimum lot size of any lot created under
1165 the terms of this chapter.
- 1166 (3) Lots fronting on a navigable body of water shall meet the frontage requirements in section
1167 14.05, Code of Ordinances.
- 1168 (4) Newly created lots divided by streams must have a contiguous buildable area on at least one
1169 side of the stream including access to the building location.
1170
- 1171 **16.48 PARKS, PLAYGROUNDS, SCHOOLS AND OPEN SPACE.**
1172 In the design of the subdivision, due consideration shall be given to the preservation of suitable
1173 sites of adequate area for future schools, parks, playgrounds, drainage ways, bike and pedestrian
1174 trails, and other public purposes. Such areas as are shown on an adopted master plat or official
1175 map shall be made a part of the subdivision design. Consideration shall also be given in the
1176 design of the subdivision to the preservation of scenic and historic sites, stands of fine trees,
1177 marshes, lakes and ponds, watercourses, watersheds and ravines.
1178
- 1179 **16.49 UTILITY PLACEMENT.** Utilities may not place any poles, pedestals, or lines (overhead
1180 or underground), within three (3) feet of any monumented Public Land Survey System corner or
1181 property corner. The submittal of any County or State Plat required by this chapter, shall require
1182 the preceding sentence to be shown on the face of the plat.
1183
- 1184 **16.50 DEDICATIONS.** Dedications shall be effected as provided in Wis. Stat. § 236.29.
1185 Dedications to the county, other than road dedications, shall require approval of the county board
1186 of supervisors.

SUBCHAPTER V- CONDOMINIUM DEVELOPMENTS

16.70 CONDOMINIUM DEVELOPMENTS.

(1) This section is created under the authority of Wis. Stat. § 703.115.

(2) Land divided for the establishment of a condominium plat shall meet the requirements of the Dunn County Zoning Ordinance or Town Zoning Ordinance in independently zoned towns.

(3) A condominium plat shall be submitted to the Department for review and approval pursuant to Wis. Stat. § 703.115. The Department shall have ten (10) business days after submission for its review. If the review is not completed within ten (10) business days the instrument is approved for recording.

(4) Condominium instruments may not be used to create or alter lots, parcels, outlots, public streets, or other areas to be dedicated to the public.

(5) The Register of Deeds shall reject condominium instruments that have not been reviewed as provided in this section.

SUBCHAPTER VI – ADMINISTRATION

16.80 PLANNING, RESOURCE, AND DEVELOPMENT COMMITTEE. The Planning, Resource, and Development Committee shall be empowered to ensure proper administration and compliance with the provisions of this chapter, conduct such hearings and meetings as necessary, approve, conditionally approve or deny applications under the terms as set forth herein, and set fees and adjust them from time to time as is deemed necessary.

16.81 ADMINISTRATION AND ENFORCEMENT. The Survey Division of the Environmental Services Department shall be responsible for the administration and enforcement of this chapter. The subdivider shall submit the necessary copies of proposed land division instruments (applications) and applicable fees to the Department. Copies will then be circulated to the appropriate agencies, divisions, or departments for review and recommendations concerning matters within their jurisdiction.

16.82 FEES. Application and review fees shall be established by the Committee and set forth in an Appendix to this chapter.

16.83 VARIANCES.

(1) Where strict application of the provisions of this chapter would impose undue hardship because of unique topographic or other conditions of the land involved or other conditions predating adoption of this chapter, or to achieve consistency with a City or Village extraterritorial ordinance, the Committee may approve variances to any requirement of this chapter to the extent deemed just and proper, provided such variance shall not impair the intent and purpose of this chapter or be contrary to the Wisconsin Statutes or Wisconsin Administrative Code.

(2) Petitions for variances shall be made to the County Surveyor on forms furnished by the Department and include the following:

(a) Completed application ~~Form~~ form (Petition) provided by the Department and completed by the petitioner. Multiple variance requests can be included on the same application.

- (b) Payment of a fee as specified by the Department fee schedule.
- (c) Narrative explanation of the variance sought and justification.
- (3) The Committee shall not grant variances unless it shall make findings based on evidence presented to it with each request for variance that:
- (a) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other properties.
- (b) The conditions upon which the request is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- (c) Because of the particular physical surrounding, shape, or topographical conditions of the specific property involved, a particular undue hardship to the owner would result, as distinguished from a mere inconvenience. Undue hardship shall relate solely to the physical characteristics of the property. Financial hardship, loss of profit, self-imposed hardships such as that resulting from unfamiliarity with regulations, deed restrictions, proceeding without required permits, or illegal sales are not sufficient reasons for the granting of a variance.
- (4) No variances may be granted under this section that would modify or waive requirements of any other county ordinance.
- ~~(5) A majority vote of the entire membership of the Committee shall be required to grant a variance of any standard within this chapter and the reasons therefore shall be entered in the Committee minutes.~~
- ~~(6) (5) For all approved variances, a notation shall be placed on the Plat or Certified Survey Map plat or certified survey map stating the nature of the variance granted and the date of approval by the Committee.~~
- ~~(7) (6) Once a variance is granted, it attaches to the property as a permanent right for the current owner and all subsequent owners.~~

16.84 APPEALS.

- (1) An applicant for land division approval may appeal a decision of the Department to the Committee. An appeal must be in writing, shall state with specificity the basis for the appeal, and must be received within 30 days of the date of the decision of the Department. Upon receipt of an appeal, the Department shall transmit the appeal to the Committee.
- (a) The Committee shall, within 40 days of receipt by the Department of a written appeal, review the appeal against the applicable standards of this ordinance, and affirm, modify, or reverse the decision of the Department.
- (b) The applicant and the Department shall be permitted to make presentations to the Committee under such terms, conditions and procedures as established by the Committee.
- (c) The decision of the Committee and the reasons therefore shall be entered in the Committee minutes. An extract of the minutes or notice of the decision shall be mailed to the applicant.
- (2) An applicant aggrieved by a decision by the Committee objecting to a plat or failing to approve a plat may appeal to the Circuit Court for Dunn County as provided in Wis. Stat. § 236.13(5) within thirty (30) days of notification of the decision. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.

16.85 ENFORCEMENT.

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(1) General.

- (a) No person shall build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes.
- (b) The Dunn County Zoning Office shall withhold all permits where the applicant, owner, or licensed contractor is in violation of this chapter, and for any parcel of land which has an outstanding violation of this chapter, until the violation has been corrected.
- (c) No approval pursuant to this chapter shall be issued where the applicant is in violation of this or any ordinance administered by the Department.
- (d) No certified survey map or plat shall be recorded unless all applicable requirements of this chapter have been met.
- (e) Assessor's plats may be ordered by the County at the expense of the divider or the owners of record when a land division is created by successive divisions, not in compliance with this chapter.

(2) Standards.

- (a) Any person, firm or corporation who fails to comply with the provisions of this chapter or who willfully enters into a conspiracy with one or more other persons for the purpose of circumventing this chapter, shall, upon adjudication of violation, be subject to penalties and forfeitures established by the county or as provided in Wis. Stat. §§ 236.30, 236.31, 236.32, 236.335, and 236.35. These sections provide penalties for:
 - 1. Improperly recording or causing to be recorded a final plat that does not comply with submittal requirements of Chapter 236, Wis. Stats., or this chapter.
 - 2. Offering for sale lots in a final plat that has not been recorded unless the offer or contract for sale includes language making the sale contingent upon approval of the final plat, and the sale void if the plat is not approved.
 - 3. Monuments disturbed or not placed.
 - 4. Subdividing lots that fail to conform to Chapter 236, Wis. Stats., or any applicable Wisconsin administrative regulation or this chapter.
 - 5. Selling land that abuts on a road that has not been accepted as a public road unless the seller informs the purchaser in writing that the road is not a public road and maintenance is not required to be performed by the County or Town.
- (b) Any failure to take enforcement action on past violations shall not operate as a waiver of the authority to take enforcement action on present violations.

(3) The Department may institute any appropriate action or proceeding against violators of this ordinance as provided by law or this ordinance, including issuing citations or commencing a lawsuit seeking forfeitures or injunctive relief, or both.

(4) Forfeitures. Any person, firm or corporation adjudicated for violating this ordinance shall pay a forfeiture of not less than Two Hundred Dollars (\$200) nor more than Two Thousand Dollars (\$2,000) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the county jail until payment thereof, but not exceeding ninety (90) days. Each day a violation exists or continues shall constitute a separate offense. In addition to the penalties noted, compliance may be obtained by creating the necessary documents under the direction of the County Surveyor and placing the cost thereof on the tax roll as a special assessment.

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1314 **16.86 AMENDMENT.** The Dunn County Board of Supervisors may from time to time amend
1315 the regulations imposed by this chapter. Public hearings on all proposed amendments shall be
1316 conducted by the Committee following publication of a class 2 notice, as required by Wis. Stat. §
1317 236.45(4).

DRAFT

DUNN COUNTY LAND DIVISION

FEE SCHEDULE

	Fee
Certified Survey Map Review	
Certified Survey Map	\$250 plus \$20 per lot or outlot
Plat Review	
Preliminary Plat (County and State)	\$400 plus \$20 per lot or outlot
Final Plat (County and State)	\$400 plus \$20 per lot or outlot
County Zoning Soil Boring Review	\$35 per report
County Land & Water Conservation Stormwater & Erosion Control Plan Review	\$500 plus \$20 per lot or outlot
Condominium Plat Review	
Condominium Plat Review	\$200 plus \$20 per unit
Other	
Variance – PR&D Committee Review	\$200 \$150 plus \$50 per requested variance